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Wetlands

Programs and Partnerships

Did you know ...

...that the Natural Resources Conservation Service (NRCS) is the lead agency for identifying wetlands on agricultural lands? And that farmers can now rely on a single wetlands determination by NRCS to satisfy the requirements of both Section 404 of the Clean Water Act and the Swampbuster provision of the Food Security Act?

...that voluntary, incentive-based Federal programs are available to help landowners protect and restore wetlands?

...that Swampbuster generally allows farmers to continue using the normal farming practices they have always used—so long as additional wetlands are not converted or wetland drainage increased?

...that you can call 1-800-832-7828—the U.S. Environmental Protection Agency's (EPA) contractor-operated Wetlands Information Hotline—for information about wetlands?

...that State wetland partnerships have been formed in Arkansas, Oregon, Maryland, Massachusetts, and Ohio?

...that every May is American Wetlands Month, the result of a public-private partnership to raise the public's awareness of wetland values and to protect and restore wetlands?

...that the President's wetlands plan calls for reducing the burden of Federal wetlands regulations; minimizing Federal overlap; and encouraging greater participation by State, Tribal, and local governments in protecting wetlands?

Wetlands are vital to the health of our Nation's environment. They store floodwater, trap nutrients and sediment, help recharge ground water, provide habitat and food for wildlife, and add beauty to the landscape. Wetlands filter pollutants out of runoff to help make water cleaner. Wetlands help prevent floods, control erosion, and protect shorelines from being damaged by waves. Quality timber is produced in wetlands. Livestock graze on wetlands. Wetlands offer places for educational activities and scientific research.

America's wetlands are alive with nearly 5,000 species of plant life. One-third of all species of birds, 190 species of amphibians, and all of America's wild ducks and geese need wetlands to live. Threatened and endangered species such as the whooping crane, bald eagle, red wolf, fatmucket mussel, and swamp rose depend on wetlands. (For more information on wetlands, ask for the NRCS/RCA Issue Brief 4 "Wetlands Values and Trends," November 1995.)

Wetlands protection

In 1972 Congress passed the first Clean Water Act, which established the Federal Government's role in protecting wetlands. This was followed by President Carter's Executive Order 11990, which restricted Government involvement in activities that could lead to the destruction of wetlands. Since, the 1985 Food Security Act (FSA) and the 1990 Food, Agriculture, Conservation, and Trade Act (FACTA) have increased wetland protection efforts.

1985 Food Security Act (FSA)—

The Swampbuster provision of this law applied to farmers who con-

verted wetlands to cropland after December 23, 1985. With some exceptions, farmers who produced annually tilled crops—such as corn, soybeans, and wheat—on newly converted wetlands jeopardized their eligibility for certain U.S. Department of Agriculture (USDA) farm programs. The trigger for Swampbuster violations was the planting of an annual crop on a converted wetland.

1990 Food, Agriculture, Conservation, and Trade Act (FACTA)—

FACTA changed the trigger for Swampbuster violations to when wetlands are actually drained, dredged, filled, leveled, or otherwise altered to make possible the production of an agricultural commodity. The law allows producers to convert frequently cropped wetlands, but only if they mitigate the loss by restoring a converted wetland with equivalent wetland functions. FACTA also established the Wetlands Reserve Program, which allows farmers to voluntarily sell easements to the Government for wetlands restoration purposes.

The President's plan—In addition to the statutory requirements, on August 24, 1993, the Clinton Administration released a plan providing for "a fair, flexible, and effective approach" to protecting wetlands, and reforming how the Federal Government regulates wetlands. Key points include:

- NRCS is the lead Federal agency responsible for identifying wetlands on agricultural lands under both the Clean Water Act and FSA.
- The U.S. Army Corps of Engineers established deadlines for decisions on wetlands permits under the Clean Water Act and is establishing an administrative

appeals process so that landowners can seek speedy recourse without having to go to court.

- The Corps and EPA agreed to final regulations ensuring that approximately 53 million acres of prior-converted cropland will not be subject to wetland regulation.
- NRCS, the Corps, EPA, and the U.S. Fish and Wildlife Service (FWS) will use the same procedures to identify wetlands; they issued new guidelines for establishing mitigation banks to offset wetland losses. (A mitigation bank is a wetland area that has been restored, created, or enhanced, and that has been set aside to compensate for future conversions of wetlands.)

Memorandum of Agreement Concerning Delineation of Wetlands (MOA)—To carry out the President's reforms, in January 1994 EPA and the Departments of Agriculture, Army, and the Interior signed a joint agreement to use existing authorities to ensure that wetlands programs work better among the Federal agencies. It ensures that NRCS, FWS, EPA, and the Corps provide greater certainty and uniformity in decisions to customers requesting wetland delineations for Swampbuster and/or Section 404 of the Clean Water Act. The basic purpose of the MOA was to have EPA and the Corps accept NRCS wetlands determinations on agricultural lands as the final Government decision for Clean Water Act purposes.

The MOA strongly emphasizes interagency coordination at the field level. Agency personnel conducting wetland delineations must be properly trained and must use standard, agreed-upon methods called mapping conventions.

Is current wetlands protection adequate?—In a 1995 survey conducted by the Gallup organization to ascertain attitudes toward agricultural natural resource conservation, respondents were

asked whether they thought that regulations protecting agricultural wetlands had gone "not far enough" or "too far" or were "about right." More than 4 of 10 respondents thought the laws protecting agricultural wetlands had not gone far enough, and a somewhat smaller percentage thought the laws were about right.

Regulation—The two most important Federal regulatory wetlands programs that directly affect farmers are the Section 404 permitting program and Swampbuster. Swampbuster discourages the conversion of wetlands for agricultural production by denying USDA farm program benefits to individuals who choose to convert wetlands. Section 404 of the Clean Water Act requires individuals to obtain a permit from the Corps before discharging dredged or fill material into waters of the United States, including most wetlands.

Most routine, ongoing farming activities do not require individual Section 404 permits. Many normal farming, silvicultural, and ranching activities that involve discharges of dredged or fill materials into wa-

ters of the United States are exempted from Section 404. General permits are issued to the public at large to authorize specific activities that have minimal environmental impacts, such as bank stabilization activities, construction of farm buildings, or wetland restoration activities. Some general permits require notification of the local Corps office, and most impose specific conditions.

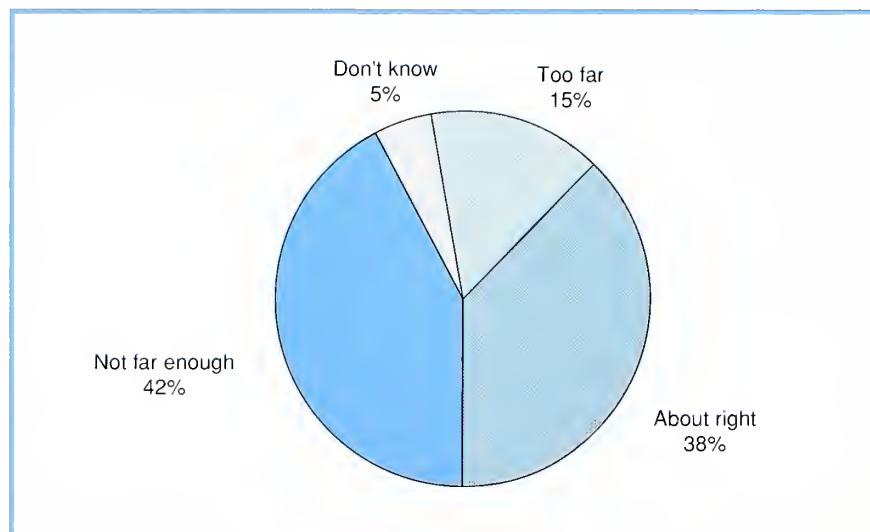
Voluntary programs—USDA works with other government agencies and private groups to help restore and use wetlands in ways that balance environmental responsibility and profitability. Several Federal programs that benefit wetlands are available. Voluntary, incentive-based programs offer technical and/or financial assistance to help landowners make the most of valuable wetland resources.

How much is enough?

The Wildlife Management Institute recently established realistic goals for stabilizing and restoring wildlife populations, and estimated landscape changes necessary to meet those goals. A group of professional wildlife managers developed a

Ratings of laws protecting agricultural wetlands

Source: "National Survey of Attitudes Towards Agricultural Natural Resource Conservation," The Gallup Organization 1995. Nationally representative sample of 1,250 people. The survey question was: "What about laws and regulations protecting agricultural wetlands? Do you think the laws have gone too far, not far enough, or are about right?"



Federal voluntary wetlands programs

Program	Agency	Description
Wetlands Reserve Program	USDA, Natural Resources Conservation Service	Offers landowners easement payments and restoration cost share to restore and protect converted, farmed, or otherwise degraded wetlands.
Conservation Reserve Program	USDA, Farm Service Agency	Offers long-term rental payments and cost-share assistance to establish permanent vegetative cover on cropland that is highly erodible or contributing to a serious water quality problem. Environmentally sensitive acres are targeted for assistance.
Stewardship Incentive Program/Forest Stewardship Program	USDA, Forest Service	Helps landowners protect and enhance their forest lands and associated wetlands. Provides landowners with cost-share and technical assistance for riparian and wetland protection and improvement.
Partners for Wildlife	USDI, Fish and Wildlife Service	A stewardship program for the restoration and protection of wetlands and other wildlife habitat on privately owned lands.
North American Waterfowl Management Plan	USDI, Fish and Wildlife Service	An international strategy for reversing the decline of migratory waterfowl populations through wetlands protection, restoration, and enhancement. Habitat can be purchased, leased, or protected with conservation easements. Landowners are offered economic incentives for farming practices that benefit waterfowl.
North American Wetlands Conservation Act	USDI, Fish and Wildlife Service	An international wetlands conservation program to encourage partnerships among public agencies and other interests to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other wildlife and fish in North America; to maintain current or improved distributions of migratory bird populations; and to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan. Grant funds are available on a one-to-one matching basis with non-Federal U.S. sources.
Intermodal Surface Transportation Efficiency Act (ISTEA)	USDOT, Federal Highway Administration	ISTEA is committed to the design and building of transportation facilities that fit harmoniously into communities and the natural environment. Wetland mitigation banking and other measures to offset impacts to wetland resources are eligible for ISTEA funding. These measures may occur in advance of construction and may include direct contributions to statewide regional wetland conservation and mitigation planning efforts.
Legacy Resource Management Program	Department of Defense	A program to promote, manage, research, conserve, and restore biological, geophysical, and historical resources on public lands, facilities, or property held by DOD. It involves other Federal and State agencies, private organizations, and volunteers. Demonstration projects and program development are accomplished at the installation level.

report based on available science and best professional judgment. The habitat enhancements and restorations projected to be necessary are relative to a baseline approxi-

mating current conditions. One exception: All grassland restoration objectives include grassland acres currently enrolled in the Conservation Reserve Program.

Nationwide, the report calls for 5.9 million acres of restored wetlands and 1.05 million acres of enhanced wetlands beyond baseline conditions. A variety of programmatic

options could achieve the goals identified by the experts. Many existing USDA programs could be modified to provide more wildlife benefits at no additional expense and without disrupting the integrity of the programs.

Partnerships

Wetlands conservation is one of the most important and sensitive environmental issues in our country today. USDA supports partnerships with other government agencies, tribes, and private organizations to help landowners restore and conserve wetlands. Here are some examples of partnerships at work:

- In southeastern Missouri, six farmers worked with NRCS and the Butler County Soil and Water Conservation District (SWCD) to create a 38-acre wetland in exchange for converting several small, degraded wetlands in their fields to cropland. Under Swampbuster, farmers who receive USDA benefits cannot destroy wetlands unless they create new ones with similar values. The farmers were offered the option of moving their small wetlands to the 38-acre site, which was purchased by the Butler County SWCD. The larger wetland replaces several small, degraded monoculture wetlands and includes open water, emergent marsh, and well-developed stands of bottomland hardwoods. Farmers win because they can level and fill their entire fields and irrigate more efficiently. Society wins because wetland values are protected and enhanced while improving the efficiency of producing the Nation's food supply.
- In North Dakota, a coalition of State and Federal agencies has been cooperating in the development and implementation of the North Dakota State Water Bank Program. To date, about 175 acres of wetlands have been

restored and more than 1,000 additional acres of wetlands are being protected. Nearly 2,500 additional acres of upland were placed in the program to provide wildlife habitat and wetlands protection. The program is administered by the North Dakota Department of Agriculture with assistance from the State Game and Fish Department, State Water Commission, NRCS, and FWS. The agencies help develop Water Bank Program guidelines and help review, rank, and monitor program contracts.

- A farm family in east-central Illinois restored 10 wetlands totaling about 20 acres on their property, and they plan to conduct several more restoration projects. They are participating in a project through the University of Illinois to study the effectiveness of wetlands in

filtering nitrate and other pollutants from water running out of tile drainage systems. They have opened a commercial hunting preserve on their property, demonstrating to other farmers that wetlands protection can offer both financial and ecological rewards.

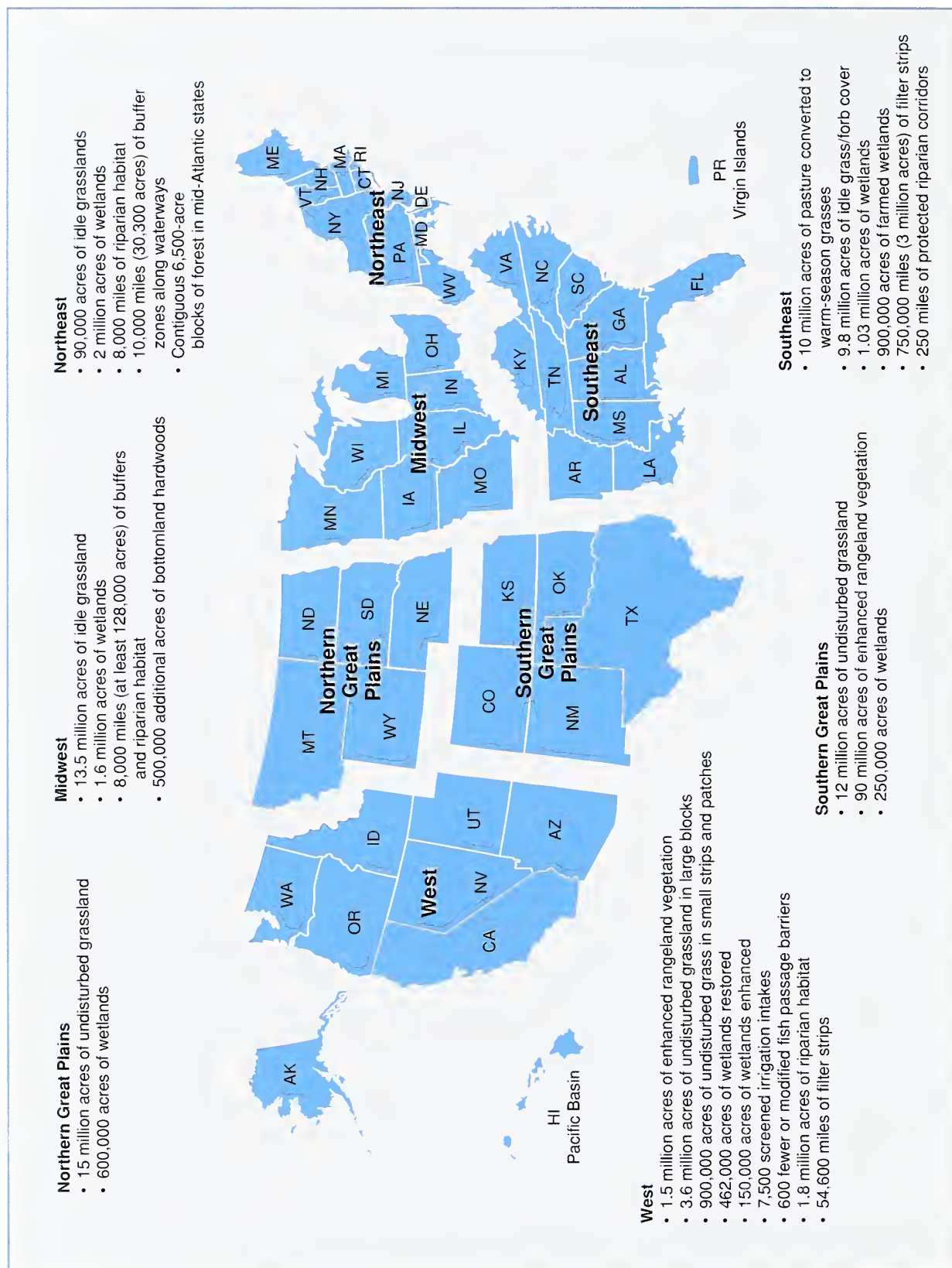
- The Lake Lafayette Wetland Restoration Project in northern Mississippi is a good example of numerous partners working together. Lake Lafayette, a 2,000-acre forested wetland complex adjacent to Steele Bayou, has been partially drained, and most of the historic floodwaters have been diverted by major flood-control projects. Under the sponsorship of the Issaquena Soil and Water Conservation District, six landowners, NRCS, the Mississippi Partners for Waterfowl Program, Mississippi River Levee Board, and FWS'

Wildflowers provide color in a new farmer-created wetland—the result of six Missouri farmers working with NRCS and the Butler County Soil and Water Conservation District. NRCS staffers Steve McMillin, left, district conservationist, Poplar Bluff, and Ron Darden, area conservationist, Cape Girardeau, tour the 38-acre site. Also involved in the wetland project were the Missouri Department of Conservation, Missouri Department of Natural Resources, EPA, FWS, and the Corps.



Regional agricultural wildlife habitat needs, beyond baseline conditions

Source: "How Much is Enough?" A Wildlife Management Institute Report, February 1995.



Partners for Wildlife Program are working together to build 5 miles of levees and install 21 water-control structures to allow the area to flood up to 3 feet deep during the winter, approximating historical flood flows.

- The National Wetlands Conservation Alliance is a partnership of industry, organizations, agencies, and concerned citizens helping landowners fulfill their critical role as our Nation's wetlands stewards. The Alliance helps coordinate and provides a focal point for efforts to advance voluntary wetlands restoration and conservation by private landowners. It strongly encourages and supports establishing

State and local alliances. Existing wetland projects with Ducks Unlimited, Wildlife Habitat Council, government agencies, and private landowners demonstrate how and why valuable wetland habitats should be restored and protected.

The Alliance brings together governmental agencies and non-governmental organizations to funnel assistance directly to landowners. More than 2.5 million landowners are reached annually through publications, workshops, and demonstration projects of participating partners in the Alliance.

What's next?

Wetlands are vital and dynamic ecosystems. Preserving, enhancing, and restoring wetlands are important parts of USDA's commitment to ecosystem-based assistance. By expanding partnerships and continuously evaluating existing programs, the quality and quantity of our Nation's wetlands will not be ignored. NRCS will continue to work with landowners, conservation districts, State natural resource agencies, FWS, Corps, and EPA to help restore, enhance, and manage valuable wetlands. Everybody can protect valuable wetlands on their property, learn about the wetlands in their community, and take part in local restoration activities.

The United States Department of Agriculture, through the Natural Resources Conservation Service (formerly Soil Conservation Service), is preparing an environmental scan of the status, conditions, and trends of natural resources on America's non-Federal land, as required by the Soil and Water Resources Conservation Act of 1977 (RCA), Public Law 95-192. The appraisal will help guide the updating of the National Conservation Program, which directs USDA's natural resource conservation policies and programs. Ten other USDA agencies and 10 non-USDA agencies are full partners in this effort.

This issue brief is one in a series being prepared by the Natural Resources Conservation Service. It was prepared by Mary Cressel and Janice Sutton, Wetlands Team, Natural Resources Conservation Service, Washington, DC. For more information or if you have comments or suggestions, please contact James Maetzold, USDA, Natural Resources Conservation Service, Natural Resources Inventory Division, P.O. Box 2890, Washington, DC 20013; phone (202) 720-0132; or FAX (202) 690-3266.

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